## House Study Bill 53 - Introduced

HOU	SE FILE
ВУ	(PROPOSED COMMITTEE
	ON JUDICIARY BILL BY
	CHAIRPERSON BALTIMORE)

## A BILL FOR

- 1 An Act relating to counterfeit, nonfunctional, or unsafe air
- 2 bags, providing penalties, and including effective date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 321.71A, Code 2015, is amended by
- 2 striking the section and inserting in lieu thereof the
- 3 following:
- 4 321.71A Counterfeit, nonfunctional, and unsafe air bags.
- 5 l. As used in this section:
- 6 a. "Air bag" means a motor vehicle inflatable occupant
- 7 restraint system that operates in the event of a crash and
- 8 is designed in accordance with federal motor vehicle safety
- 9 standards for the specific make, model, and year of the
- 10 motor vehicle in which it is or will be installed. "Air bag"
- 11 includes all component parts to a motor vehicle inflatable
- 12 occupant restraint system, including but not limited to the
- 13 cover, sensors, controllers, inflators, wiring, and seat belt
- 14 systems.
- 15 b. "Counterfeit air bag" means an air bag displaying a mark
- 16 identical or similar to the genuine mark of a motor vehicle
- 17 manufacturer without authorization from the manufacturer.
- 18 c. "Nonfunctional air bag" means an air bag that was
- 19 previously deployed or damaged, or has an electric fault that
- 20 is detected by a motor vehicle's air bag diagnostic system
- 21 after the air bag is installed in the motor vehicle.
- 22 2. A person who manufactures, imports, installs,
- 23 reinstalls, sells, or offers to sell any device with the intent
- 24 that the device replace an air bag in a motor vehicle, and who
- 25 knows or reasonably should know under the circumstances that
- 26 the device is a counterfeit air bag, nonfunctional air bag, or
- 27 air bag that does not comply with federal safety requirements
- 28 as provided in 49 C.F.R. §571.208, is quilty of an aggravated
- 29 misdemeanor.
- 30 3. A person who manufactures, imports, installs,
- 31 reinstalls, sells, or offers to sell any device that causes a
- 32 motor vehicle's diagnostic system to inaccurately indicate that
- 33 the motor vehicle is equipped with a functional air bag when
- 34 a counterfeit or nonfunctional air bag is installed, or when
- 35 no air bag is installed, with the intent to mislead the owner

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- 1 or operator of the motor vehicle into believing that the motor
- 2 vehicle is equipped with a functional air bag, is guilty of an
- 3 aggravated misdemeanor.
- 4 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
- 5 immediate importance, takes effect upon enactment.
- 6 EXPLANATION
- 7 The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 9 This bill provides that a person who manufactures, imports,
- 10 installs, or sells any device with the intent that the device
- 11 replace an air bag in a motor vehicle, and who knows or
- 12 reasonably should know under the circumstances that the device
- 13 is a counterfeit, nonfunctional, or unsafe air bag, is guilty
- 14 of an aggravated misdemeanor.
- 15 The bill also provides that a person who manufactures,
- 16 imports, installs, or sells any device that causes a motor
- 17 vehicle's diagnostic system to inaccurately indicate that the
- 18 motor vehicle is equipped with a functional air bag when a
- 19 counterfeit or nonfunctional air bag is installed, or when no
- 20 air bag is installed, with the intent to mislead the owner or
- 21 operator of the motor vehicle into believing that the motor
- 22 vehicle is equipped with a functional air bag, is guilty of an
- 23 aggravated misdemeanor.
- 24 An aggravated misdemeanor is punishable by up to two years in
- 25 prison and up to a \$6,250 fine.
- 26 The bill defines "air bag", "counterfeit air bag", and
- 27 "nonfunctional air bag". In addition, the bill provides that
- 28 an air bag is unsafe when it does not comply with federal
- 29 safety requirements as provided in the code of federal
- 30 regulations.
- 31 The bill takes effect upon enactment.